

• OCT 1970

MEMORANDUM FOR: Director of Personnel

SUBJECT : HR 3946 - A Bill to Provide Hostile Fire Pay to  
          Civilians on the Crew of the Pueblo

REFERENCES : (1) HR 3946

(2) Memo for C/SSS from SOS/DDS dtd 7 Jan 69, Subject:  
      Pay for Irregular or Intermittent Duty Involving  
      Physical Hardship or Hazard

1. HR 3946 is apparently intended to cover the particular case of the civilian employees who were on the Pueblo during the time of the capture of the Pueblo. It is not intended to apply generally to employees who may be exposed to hostile fire. Therefore, there is no indication that it would be applicable to the Agency.

2. In 1966, the possibility of providing compensation for exposure to hostile fire was considered by Congress in a bill proposed by the Department of State. This bill proposed an additional 25 per cent for Foreign Service personnel in Vietnam. This 25 per cent plus the hardship post differential of 25 per cent would have increased pay of Foreign Service personnel in Vietnam by 50 per cent. Senator Williams of Delaware opposed the bill on the grounds that the amount of additional pay was far in excess of that paid military personnel who are constantly exposed to hostile fire. As a result, the State Department withdrew the bill.

3. This bill does not cover a hazard similar to those included by the Civil Service Commission in Hazard Pay Provisions under Public Law 89-512, 19 July 1966. Hazards under the Civil Service Commission regulations cover such matters as low-level flights, working with explosives, working near toxic chemicals, underwater duties, fire fighting, etc. The present Hazard Pay Law is intended to apply only for the period of exposure to the hazards. It is not intended as a regular pay differential.

4. The proposal for a hazard differential in the Agency was never approved although a proposal was submitted in 1967 including essentially the same provisions that are included in the Civil Service Commission hazard pay regulations. The Deputy Director for Support disapproved the proposal on the grounds that a limited number of Agency personnel in the United States would be covered, that the identification of overseas jobs eligible for hazard pay would be almost impossible, and that acceptance of hazards was a normal career responsibility. (See Attachment)

Chief, Position Management & Compensation Division

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ILLEGIB

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**SECRET**

23 SEP 1970

MEMORANDUM FOR: Director of Personnel

SUBJECT : HR 3964 - A Bill to Provide Hostile Fire Pay to Civilians on the Crew of the Pueblo.

REFERENCE : Memo for C/SSS from SOS/DDS dtd 7 Jan 1969, Subject: Pay for Irregular or Intermittent Duty Involving Physical Hardship or Hazard

1. No copy of this bill was included with the paper from the Legislative Counsel. However, it appears that the bill is intended to cover the particular case of the Pueblo.

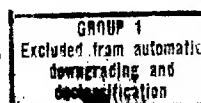
2. This bill does not cover a hazard similar to those included by the Civil Service Commission in Hazard Pay Provisions under Public Law 89-512, 19 July 1966. Hazards under the Civil Service Commission regulations cover such matters as low-level flights, working with explosives, working near toxic chemicals, underwater duties, fire fighting, etc.

3. In 1966, the possibility of providing compensation for exposure to hostile fire was considered by Congress in a bill proposed by the Department of State. This bill proposed an additional 25 per cent for foreign service personnel in Vietnam. This 25 per cent plus the hardship post differential of 25 per cent would have increased pay of foreign service personnel in Vietnam by 50 per cent. Senator Williams of Delaware opposed the bill on the grounds that the amount of additional pay was far in excess of that paid military personnel who are constantly exposed to hostile fire. As a result, the State Department withdrew the bill.

4. The Hazard Pay Law is intended to apply only for the period of exposure to the hazards. It is not intended as a regular pay differential. Until a copy of the bill is available it cannot be determined whether it proposes the same sort of coverage or if it is intended as a differential such as the earlier State Department bill.

5. The proposal for a hazard differential in the Agency was never approved although a proposal was submitted in 1967 including practically the same provisions that are included in the Civil Service Commission hazard regulations. The Deputy Director for Support disapproved the proposal on the grounds that a

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**SUBJECT: HR 3964 - A Bill to Provide Hostile Fire Pay to Civilians on the Crews of the Pueblo.**


limited number of Agency personnel in the United States would be covered, that the identification of overseas jobs eligible for hazard pay would be almost impossible, and that acceptance of hazards was a normal career responsibility. (See Attachment)

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Chief, Position Management & Compensation Division

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91ST CONGRESS  
1ST SESSION

H. R. 3946

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 1969

Mr. HENDERSON introduced the following bill; which was referred to the Committee on the Judiciary

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A BILL

For the relief of Harry Iredale III, and Dummie R.  
Tuck, Junior.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That the Secretary of the Navy is authorized and directed  
4 to pay, out of funds available for the payment of compen-  
5 sation to civilian employees of the Department of the Navy,  
6 to Harry Iredale III, and Dummie R. Tuck, Junior, the sum  
7 of \$845 each, representing special compensation for duty  
8 performed by them, as civilian employees of the Federal  
9 Government, aboard the United States ship Pueblo at the  
10 time of her capture by military forces of North Korea. Such  
11 compensation is for the period beginning on January 1,

2

- 1 1968, and ending at the close of the first month following
- 2 the month in which these persons were repatriated.

91ST CONGRESS  
1ST SESSION

H. R. 3946

A BILL

For the relief of Harry Toehle III, and  
Dunnie R. Tuck, Junior.

By Mr. HENDERSON

JANUARY 16, 1969

Referred to the Committee on the Judiciary

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

OLC-70-06411

September 8, 1970

LEGISLATIVE REFERRAL MEMORANDUM

To: Legislative Liaison Officer  
Agency for International Development  
Central Intelligence Agency  
U.S. Information Agency  
Civil Service Commission  
Department of State

Subject:

H.R. 3946 - a bill "For the relief of Harry Iredale, III, and Dannie R. Tuck, Junior." Please comment on the bill and the attached Navy proposed report.

The Office of Management and Budget would appreciate receiving the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with Budget Circular A-19.

- ( x ) To permit expeditious handling, it is requested that your reply be made within 30 days.
- ( . ) Special circumstances require priority treatment and accordingly your views are requested by

Questions should be referred to Victor Zafra,  
( 103-3736 ) ~~xxxxxx~~ or 395-3736  
the legislative analyst in this office.

*Naomi R. Sweeney*

Naomi R. Sweeney, for  
Assistant Director for  
Legislative Reference

Enclosures  
Navy proposed report



DEPARTMENT OF THE NAVY  
OFFICE OF LEGISLATIVE AFFAIRS  
WASHINGTON, D. C. 20350

IN REPLY REFER TO

LA-61:sfc

Dear Mr. Chairman:

Reference is made to your letter of June 15, 1970, to the Secretary of the Navy requesting comment on H.R. 3946, a bill "For the relief of Harry Iredale III and Dinnie R. Tuck, Junior."

This bill would authorize and direct the Secretary of the Navy to pay to Harry Iredale III and Dinnie R. Tuck, Junior, the sum of \$845 each, as special compensation for duty performed by them as civilian employees of the Navy aboard the USS PUEBLO during the period of its illegal detention by North Korea. This amount of \$845 is identical to the amount of hostile fire pay authorized for the military personnel aboard the USS PUEBLO by the Act of September 21, 1968, Pub. L. 90-510, 82 Stat. 863.

The plight of the PUEBLO crew, as disclosed through official inquiry, has been well documented. At the hands of their North Korean captors, both military and civilian crew members received equally harsh treatment. The Secretary of the Navy, in his May 6, 1969 statement, observed that during the period of detention, "...their food and living conditions were marginal. They suffered extensively from physical abuse and torturous treatment. Their captors refused to accord them even the minimal humane treatment required under international law." The point is that both the military and civilians were considered "Americans," and as such were subjected to the same indignities and dangers.

The military members of the PUEBLO crew have been compensated to some extent through the entitlement to hostile fire pay (Act of September 21, 1968, *supra*) and income tax exclusion benefits (Act of April 24, 1970, Pub. L. 91-235, 84 Stat. 200). These entitlements did not extend to the two civilian members of the crew. This inequity has been improved partially through the recent amendments to the War Claims Act of 1948 by the Act of June 24, 1970, Pub. L. 91-289, 84 Stat. 323, which will provide benefits of \$5.00 per day for both the military and civilian members of the PUEBLO crew. In considering that legislation, the House Committee on Interstate and Foreign Commerce and the Senate Committee on the Judiciary recognized that while no monetary payment can actually be adequate compensation for the hardships suffered, such payments serve as a symbolic gesture on the part of the United States. They further expressed the feeling "...that the circumstances under which these individuals were captured and held are essentially the same as apply to members of the Armed Forces captured and held by the forces of North Vietnam, and by the forces of North Korea during the Korean conflict, so as to justify treatment of these persons in the same fashion as applies to persons captured while serving in other zones of hostilities." In spite of the passage of this legislation, an inequity in compensation awarded the military vis-a-vis the civilians still exists.



The difficulty in obtaining and retaining good scientific and technical personnel, not to mention the cost involved in the hiring and training, demands that employee morale be kept uppermost in our minds. Behavioral scientists have long stressed the importance of attending to factors which affect job satisfaction; e.g., "recognition." Special recognition, such as that contained in H.R. 3946, will do much to build the trust and confidence which are so vital to the maintenance of high morale. Hopefully, such action will in turn enhance chances of retaining valuable human resources which will enable the armed forces to fulfill their missions.

For the record, it should be noted that, during their illegal detention, Messrs. Iredale and Tuck received no special pay. They did receive their regular salaries at GS-9 and GS-11 levels respectively. (Mr. Iredale, in accordance with the Navy merit promotion policy, was promoted to GS-11 during his detention.) In addition, each received \$4 per diem for the first 90 days of detention. While the amount specified in H.R. 3946 is not considerable, there can be no doubt that these men should receive recompense for the hardships they endured, equal to that received by the military crew.

In view of the foregoing, the Department of the Navy, on behalf of the Department of Defense, supports the enactment of H.R. 3946.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report on H.R. 3946 for the consideration of the Committee.

For the Secretary of the Navy.

Sincerely yours,

Honorable Emanuel Celler  
Chairman, Committee on the Judiciary  
House of Representatives  
Washington, D.C. 20515